

REMARKS

As an initial matter, the Applicant's attorney is grateful for the Examiner's courtesy and consideration shown during a June 14 phone conference. During that conference, potentially allowable claimed features were discussed. Although no agreement was reached on allowability, the Examiner's comments were helpful in focusing the issues for consideration herein and/or on subsequent appeal.

In the May 19, 2005 Final Office Action, all pending claims have been rejected as obvious over United Kingdom Pat. No. 2,327,565 to Byford ("the Byford patent") in view of U.S. Patent No. 6,832,084 to Deo ("the Deo patent"). This rejection is traversed with respect to claims 9 and 12. These claims recite elements not disclosed or suggested by the Byford or Deo patents and are therefore allowable over the references. All other remaining claims depend from one of claims 9 or 12 and are therefore also allowable.

For convenience of consideration, claim 1 has been amended to include the limitations of dependent claim 9, which has been cancelled. Amended claim 1 therefore represents claim 9 rewritten in independent form. As amended, claim 1 requires a shell containing the memory and transmitter. The shell is required to have a passage for operable access to a mechanical activation switch. Further, the shell is required to have attachment means connected thereto for attaching the shell to a product. Neither of the Byford or Deo patents disclose or suggest this limitation. The Byford patent teaches a hand-held housing. The Byford patent, p. 5, lines 23-25. The Deo patent teaches only desktop and handheld devices. The Deo patent, FIGS. 4-5; Summary of the Invention. Accordingly, both references fail to disclose a shell having the claimed structure, including attachment means connected to the shell for attaching the shell to a product.

In rejecting claim 9, the Final Office Action admits that the references fail to teach a shell attached to the product. The Final Action suggests, however, that it would have been obvious for one to modify Byford by attaching its shell to a product. It is respectfully submitted that this is incorrect. It is submitted, in fact, that Byford teaches

away from the claimed structure in that its shell is handheld and disclosed as useful to display information to a user as the user browses a store, strolls through a museum, or queries train timetables. See, e.g., the Byford patent, p. 2, line 38- p. 3, line 2; p. 7, lines 4-6; p. 8, line 32 - p. 9, line 23. The claimed structure of amended claim 1 including a shell with attachment means for attaching to a product would not be appropriate for these applications. Further, one skilled in the art considering Byford with its handheld shell used for these applications would find no suggestion or motivation to arrive at claimed structure of amended claim 1.

Claims 2-7, 11, 18 and 19 depend from claim 1 and are allowable over the references patent for the same reasons as are that claim in addition to other reasons. Claim 5, for example, recites that the download instructions include instructions for printing a document contained in the data file. The Byford patent fails to disclose or suggest printing of a document, but instead limits its output to display of information on the handheld terminal 70-90 or audio output. See, e.g., the Byford patent, p. 2, line 38- p. 3, line 2; p. 7, lines 4-6. This is consistent with the useful applications the Byford patent discloses: as an aid to shoppers in a store, as a guide for visitors to a museum, or as a device for showing train timetables. *Id.*, p. 8, line 32 - p. 9, line 23. In all of these applications handheld terminals are useful to display output data. Claim 5, on the other hand, requires instructions for printing a document. This claimed structure may be useful for applications including (but not limited to) printing voluminous product manuals for consumer products that have been purchased and are in use at home. See, p. 8, line 5-25. In such applications, Byford's dedicated handheld terminal 70-90 may not be desirable, and instead a self-contained apparatus with attachment means for attaching to a product and having a memory containing document download instructions as claimed by claim 5 might be preferred.

Claim 6 requires that the wireless protocol has an operating range of no more than about 3 meters. Neither cited reference discloses this range. Claim 11 requires that the memory contain a unique product code. This code may be useful (among other applications) to retrieve product manuals or the like for the product that the

shell is connected to. Neither cited reference discloses this claimed structure. Claim 19 depends from claim 1 and recites that the document download instructions cause a printer connected to a network to download and print a document, and that the wireless transmitter is configured to transmit the document download instructions to the printer only when the printer is within a range of about 3 meters. Claim 21 limits communication of the document download instructions by the apparatus to a range of no more than about 3 meters. Neither cited reference discloses or suggests these limitations.


Independent claim 12 is likewise allowable over the cited references. Claim 12 requires, among other elements, a shell having connection means for connection to the product. The shell contains a memory, a power supply, a transmitter, and an activation switch. The memory in the shell contains document download instructions for a document that corresponds to the same product that the shell is to be connected to. As discussed above, neither of the cited references discloses or suggests these elements. As a result, the obviousness rejection of claim 12 should be withdrawn.

It is believed that all remaining claims are in a condition suitable for allowance. Timely consideration and allowance is requested. Should the Examiner feel that there are issues remaining for attention before allowance can be granted, the favor of a telephone conference with Applicant's undersigned Attorney is respectfully requested.

Respectfully submitted,

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